


AUGUSTA DIVISION

CV 114-219

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. (Doc. no. 15.) Plaintiff asserts that the Report and Recommendation erred in stating that the ALJ did not apply the Grids in reaching his decision and insists that Plaintiff should have been considered an individual of advanced age, 55, under the Grids at the time of the decision. (*Id.* at 2, 8.) Plaintiff makes this argument despite the fact that she was fifty-four at the time of the ALJ's decision, she made no argument that she should have been considered an individual of advanced age at the administrative level, and the Eleventh Circuit found no error in a case almost identical to this one. Miller v. Comm'r of Soc. Sec., 241 F. App'x 631, 636 (11th Cir. 2007)

Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **AFFIRMS** the Acting Commissioner's final decision, **CLOSES** this civil action, and **DIRECTS** the Clerk to enter final judgment in favor of the Acting Commissioner.

SO ORDERED this 16th day of February, 2016, at Augusta, Georgia.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA